

In the Senate of the United States,

October 5 (legislative day, September 22), 2000.

Resolved, That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 707) entitled “An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.”, with the following

**SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted by the House amendment, insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the “Dis-*
3 *aster Mitigation Act of 2000”.*

4 (b) *TABLE OF CONTENTS*.—*The table of contents of this*
5 *Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.

Sec. 102. Predisaster hazard mitigation.

Sec. 103. Interagency task force.

Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.

Sec. 202. Management costs.

Sec. 203. Public notice, comment, and consultation requirements.

Sec. 204. State administration of hazard mitigation grant program.

Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.

Sec. 206. Federal assistance to individuals and households.

Sec. 207. Community disaster loans.

Sec. 208. Report on State management of small disasters initiative.

Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.

Sec. 302. Definitions.

Sec. 303. Fire management assistance.

Sec. 304. Disaster grant closeout procedures.

Sec. 305. Public safety officer benefits for certain Federal and State employees.

Sec. 306. Buy American.

Sec. 307. Treatment of certain real property.

Sec. 308. Study of participation by Indian tribes in emergency management.

1 *TITLE I—PREDISASTER HAZARD*
2 *MITIGATION*

3 *SEC. 101. FINDINGS AND PURPOSE.*

4 *(a) FINDINGS.—Congress finds that—*

5 *(1) natural disasters, including earthquakes,*
6 *tsunamis, tornadoes, hurricanes, flooding, and*
7 *wildfires, pose great danger to human life and to*
8 *property throughout the United States;*

9 *(2) greater emphasis needs to be placed on—*

10 *(A) identifying and assessing the risks to*
11 *States and local governments (including Indian*
12 *tribes) from natural disasters;*

1 (B) implementing adequate measures to re-
2 duce losses from natural disasters; and

3 (C) ensuring that the critical services and
4 facilities of communities will continue to func-
5 tion after a natural disaster;

6 (3) expenditures for postdisaster assistance are
7 increasing without commensurate reductions in the
8 likelihood of future losses from natural disasters;

9 (4) in the expenditure of Federal funds under the
10 Robert T. Stafford Disaster Relief and Emergency As-
11 sistance Act (42 U.S.C. 5121 et seq.), high priority
12 should be given to mitigation of hazards at the local
13 level; and

14 (5) with a unified effort of economic incentives,
15 awareness and education, technical assistance, and
16 demonstrated Federal support, States and local gov-
17 ernments (including Indian tribes) will be able to—

18 (A) form effective community-based partner-
19 ships for hazard mitigation purposes;

20 (B) implement effective hazard mitigation
21 measures that reduce the potential damage from
22 natural disasters;

23 (C) ensure continued functionality of crit-
24 ical services;

1 (D) leverage additional non-Federal re-
 2 sources in meeting natural disaster resistance
 3 goals; and

4 (E) make commitments to long-term hazard
 5 mitigation efforts to be applied to new and exist-
 6 ing structures.

7 (b) *PURPOSE.*—The purpose of this title is to establish
 8 a national disaster hazard mitigation program—

9 (1) to reduce the loss of life and property, human
 10 suffering, economic disruption, and disaster assist-
 11 ance costs resulting from natural disasters; and

12 (2) to provide a source of predisaster hazard
 13 mitigation funding that will assist States and local
 14 governments (including Indian tribes) in imple-
 15 menting effective hazard mitigation measures that are
 16 designed to ensure the continued functionality of crit-
 17 ical services and facilities after a natural disaster.

18 **SEC. 102. PREDISASTER HAZARD MITIGATION.**

19 (a) *IN GENERAL.*—Title II of the Robert T. Stafford
 20 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 21 5131 et seq.) is amended by adding at the end the following:

22 **“SEC. 203. PREDISASTER HAZARD MITIGATION.**

23 “(a) *DEFINITION OF SMALL IMPOVERISHED COMMU-*
 24 *NITY.*—In this section, the term ‘small impoverished com-

25 munity’ means a community of 3,000 or fewer individuals

1 *that is economically disadvantaged, as determined by the*
2 *State in which the community is located and based on cri-*
3 *teria established by the President.*

4 “(b) *ESTABLISHMENT OF PROGRAM.*—*The President*
5 *may establish a program to provide technical and financial*
6 *assistance to States and local governments to assist in the*
7 *implementation of predisaster hazard mitigation measures*
8 *that are cost-effective and are designed to reduce injuries,*
9 *loss of life, and damage and destruction of property, includ-*
10 *ing damage to critical services and facilities under the ju-*
11 *risdiction of the States or local governments.*

12 “(c) *APPROVAL BY PRESIDENT.*—*If the President de-*
13 *termines that a State or local government has identified*
14 *natural disaster hazards in areas under its jurisdiction and*
15 *has demonstrated the ability to form effective public-private*
16 *natural disaster hazard mitigation partnerships, the Presi-*
17 *dent, using amounts in the National Predisaster Mitigation*
18 *Fund established under subsection (i) (referred to in this*
19 *section as the ‘Fund’), may provide technical and financial*
20 *assistance to the State or local government to be used in*
21 *accordance with subsection (e).*

22 “(d) *STATE RECOMMENDATIONS.*—

23 “(1) *IN GENERAL.*—

24 “(A) *RECOMMENDATIONS.*—*The Governor of*
25 *each State may recommend to the President not*

1 *fewer than 5 local governments to receive assist-*
2 *ance under this section.*

3 “(B) *DEADLINE FOR SUBMISSION.*—*The rec-*
4 *ommendations under subparagraph (A) shall be*
5 *submitted to the President not later than October*
6 *1, 2001, and each October 1st thereafter or such*
7 *later date in the year as the President may es-*
8 *tablish.*

9 “(C) *CRITERIA.*—*In making recommenda-*
10 *tions under subparagraph (A), a Governor shall*
11 *consider the criteria specified in subsection (g).*
12 “(2) *USE.*—

13 “(A) *IN GENERAL.*—*Except as provided in*
14 *subparagraph (B), in providing assistance to*
15 *local governments under this section, the Presi-*
16 *dent shall select from local governments rec-*
17 *ommended by the Governors under this sub-*
18 *section.*

19 “(B) *EXTRAORDINARY CIRCUMSTANCES.*—*In*
20 *providing assistance to local governments under*
21 *this section, the President may select a local gov-*
22 *ernment that has not been recommended by a*
23 *Governor under this subsection if the President*
24 *determines that extraordinary circumstances jus-*

1 *tify the selection and that making the selection*
 2 *will further the purpose of this section.*

3 “(3) *EFFECT OF FAILURE TO NOMINATE.—If a*
 4 *Governor of a State fails to submit recommendations*
 5 *under this subsection in a timely manner, the Presi-*
 6 *dent may select, subject to the criteria specified in*
 7 *subsection (g), any local governments of the State to*
 8 *receive assistance under this section.*

9 “(e) *USES OF TECHNICAL AND FINANCIAL ASSIST-*
 10 *ANCE.—*

11 “(1) *IN GENERAL.—Technical and financial as-*
 12 *sistance provided under this section—*

13 “(A) *shall be used by States and local gov-*
 14 *ernments principally to implement predisaster*
 15 *hazard mitigation measures that are cost-effec-*
 16 *tive and are described in proposals approved by*
 17 *the President under this section; and*

18 “(B) *may be used—*

19 “(i) *to support effective public-private*
 20 *natural disaster hazard mitigation partner-*
 21 *ships;*

22 “(ii) *to improve the assessment of a*
 23 *community’s vulnerability to natural haz-*
 24 *ards; or*

1 “(iii) to establish hazard mitigation
2 priorities, and an appropriate hazard miti-
3 gation plan, for a community.

4 “(2) *DISSEMINATION.*—A State or local govern-
5 ment may use not more than 10 percent of the finan-
6 cial assistance received by the State or local govern-
7 ment under this section for a fiscal year to fund ac-
8 tivities to disseminate information regarding cost-ef-
9 fective mitigation technologies.

10 “(f) *ALLOCATION OF FUNDS.*—The amount of finan-
11 cial assistance made available to a State (including
12 amounts made available to local governments of the State)
13 under this section for a fiscal year—

14 “(1) shall be not less than the lesser of—

15 “(A) \$500,000; or

16 “(B) the amount that is equal to 1.0 percent
17 of the total funds appropriated to carry out this
18 section for the fiscal year;

19 “(2) shall not exceed 15 percent of the total funds
20 described in paragraph (1)(B); and

21 “(3) shall be subject to the criteria specified in
22 subsection (g).

23 “(g) *CRITERIA FOR ASSISTANCE AWARDS.*—In deter-
24 mining whether to provide technical and financial assist-

1 *ance to a State or local government under this section, the*
2 *President shall take into account—*

3 *“(1) the extent and nature of the hazards to be*
4 *mitigated;*

5 *“(2) the degree of commitment of the State or*
6 *local government to reduce damages from future nat-*
7 *ural disasters;*

8 *“(3) the degree of commitment by the State or*
9 *local government to support ongoing non-Federal sup-*
10 *port for the hazard mitigation measures to be carried*
11 *out using the technical and financial assistance;*

12 *“(4) the extent to which the hazard mitigation*
13 *measures to be carried out using the technical and fi-*
14 *nancial assistance contribute to the mitigation goals*
15 *and priorities established by the State;*

16 *“(5) the extent to which the technical and finan-*
17 *cial assistance is consistent with other assistance pro-*
18 *vided under this Act;*

19 *“(6) the extent to which prioritized, cost-effective*
20 *mitigation activities that produce meaningful and de-*
21 *finable outcomes are clearly identified;*

22 *“(7) if the State or local government has sub-*
23 *mitted a mitigation plan under section 322, the ex-*
24 *tent to which the activities identified under para-*
25 *graph (6) are consistent with the mitigation plan;*

1 “(8) the opportunity to fund activities that
2 maximize net benefits to society;

3 “(9) the extent to which assistance will fund
4 mitigation activities in small impoverished commu-
5 nities; and

6 “(10) such other criteria as the President estab-
7 lishes in consultation with State and local govern-
8 ments.

9 “(h) *FEDERAL SHARE*.—

10 “(1) *IN GENERAL*.—Financial assistance pro-
11 vided under this section may contribute up to 75 per-
12 cent of the total cost of mitigation activities approved
13 by the President.

14 “(2) *SMALL IMPOVERISHED COMMUNITIES*.—Not-
15 withstanding paragraph (1), the President may con-
16 tribute up to 90 percent of the total cost of a mitiga-
17 tion activity carried out in a small impoverished
18 community.

19 “(i) *NATIONAL PREDISASTER MITIGATION FUND*.—

20 “(1) *ESTABLISHMENT*.—The President may es-
21 tablish in the Treasury of the United States a fund
22 to be known as the ‘National Predisaster Mitigation
23 Fund’, to be used in carrying out this section.

24 “(2) *TRANSFERS TO FUND*.—There shall be de-
25 posited in the Fund—

1 “(A) amounts appropriated to carry out
2 this section, which shall remain available until
3 expended; and

4 “(B) sums available from gifts, bequests, or
5 donations of services or property received by the
6 President for the purpose of predisaster hazard
7 mitigation.

8 “(3) *EXPENDITURES FROM FUND.*—Upon request
9 by the President, the Secretary of the Treasury shall
10 transfer from the Fund to the President such amounts
11 as the President determines are necessary to provide
12 technical and financial assistance under this section.

13 “(4) *INVESTMENT OF AMOUNTS.*—

14 “(A) *IN GENERAL.*—The Secretary of the
15 Treasury shall invest such portion of the Fund
16 as is not, in the judgment of the Secretary of the
17 Treasury, required to meet current withdrawals.
18 Investments may be made only in interest-bear-
19 ing obligations of the United States.

20 “(B) *ACQUISITION OF OBLIGATIONS.*—For
21 the purpose of investments under subparagraph
22 (A), obligations may be acquired—

23 “(i) on original issue at the issue
24 price; or

1 “(ii) by purchase of outstanding obli-
2 gations at the market price.

3 “(C) *SALE OF OBLIGATIONS.*—Any obliga-
4 tion acquired by the Fund may be sold by the
5 Secretary of the Treasury at the market price.

6 “(D) *CREDITS TO FUND.*—The interest on,
7 and the proceeds from the sale or redemption of,
8 any obligations held in the Fund shall be cred-
9 ited to and form a part of the Fund.

10 “(E) *TRANSFERS OF AMOUNTS.*—

11 “(i) *IN GENERAL.*—The amounts re-
12 quired to be transferred to the Fund under
13 this subsection shall be transferred at least
14 monthly from the general fund of the Treas-
15 ury to the Fund on the basis of estimates
16 made by the Secretary of the Treasury.

17 “(ii) *ADJUSTMENTS.*—Proper adjust-
18 ment shall be made in amounts subse-
19 quently transferred to the extent prior esti-
20 mates were in excess of or less than the
21 amounts required to be transferred.

22 “(j) *LIMITATION ON TOTAL AMOUNT OF FINANCIAL AS-*
23 *SISTANCE.*—The President shall not provide financial as-
24 sistance under this section in an amount greater than the
25 amount available in the Fund.

1 “(k) *MULTIHAZARD ADVISORY MAPS.*—

2 “(1) *DEFINITION OF MULTIHAZARD ADVISORY*
3 *MAP.*—*In this subsection, the term ‘multihazard advisory*
4 *map’ means a map on which hazard data concerning each type of natural disaster is identified si-*
5 *multaneously for the purpose of showing areas of haz-*
6 *ard overlap.*

8 “(2) *DEVELOPMENT OF MAPS.*—*In consultation*
9 *with States, local governments, and appropriate Fed-*
10 *eral agencies, the President shall develop multihazard*
11 *advisory maps for areas, in not fewer than 5 States,*
12 *that are subject to commonly recurring natural haz-*
13 *ards (including flooding, hurricanes and severe*
14 *winds, and seismic events).*

15 “(3) *USE OF TECHNOLOGY.*—*In developing*
16 *multihazard advisory maps under this subsection, the*
17 *President shall use, to the maximum extent prac-*
18 *ticable, the most cost-effective and efficient technology*
19 *available.*

20 “(4) *USE OF MAPS.*—

21 “(A) *ADVISORY NATURE.*—*The multihazard*
22 *advisory maps shall be considered to be advisory*
23 *and shall not require the development of any new*
24 *policy by, or impose any new policy on, any*
25 *government or private entity.*

1 “(B) *AVAILABILITY OF MAPS.*—*The multi-*
2 *hazard advisory maps shall be made available to*
3 *the appropriate State and local governments for*
4 *the purposes of—*

5 “(i) *informing the general public about*
6 *the risks of natural hazards in the areas de-*
7 *scribed in paragraph (2);*

8 “(ii) *supporting the activities described*
9 *in subsection (e); and*

10 “(iii) *other public uses.*

11 “(l) *REPORT ON FEDERAL AND STATE ADMINISTRA-*
12 *TION.*—*Not later than 18 months after the date of enact-*
13 *ment of this section, the President, in consultation with*
14 *State and local governments, shall submit to Congress a re-*
15 *port evaluating efforts to implement this section and recom-*
16 *mending a process for transferring greater authority and*
17 *responsibility for administering the assistance program es-*
18 *tablished under this section to capable States.*

19 “(m) *TERMINATION OF AUTHORITY.*—*The authority*
20 *provided by this section terminates December 31, 2003.”.*

21 “(b) *CONFORMING AMENDMENT.*—*Title II of the Robert*
22 *T. Stafford Disaster Relief and Emergency Assistance Act*
23 *(42 U.S.C. 5131 et seq.) is amended by striking the title*
24 *heading and inserting the following:*

1 **“TITLE II—DISASTER PREPARED-**
2 **NESS AND MITIGATION AS-**
3 **SISTANCE”.**

4 **SEC. 103. INTERAGENCY TASK FORCE.**

5 *Title II of the Robert T. Stafford Disaster Relief and*
6 *Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as*
7 *amended by section 102(a)) is amended by adding at the*
8 *end the following:*

9 **“SEC. 204. INTERAGENCY TASK FORCE.**

10 *“(a) IN GENERAL.—The President shall establish a*
11 *Federal interagency task force for the purpose of coordi-*
12 *nating the implementation of predisaster hazard mitigation*
13 *programs administered by the Federal Government.*

14 *“(b) CHAIRPERSON.—The Director of the Federal*
15 *Emergency Management Agency shall serve as the chair-*
16 *person of the task force.*

17 *“(c) MEMBERSHIP.—The membership of the task force*
18 *shall include representatives of—*

19 *“(1) relevant Federal agencies;*

20 *“(2) State and local government organizations*
21 *(including Indian tribes); and*

22 *“(3) the American Red Cross.”.*

1 **SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS**
 2 **FOR PUBLIC AND PRIVATE STRUCTURES.**

3 (a) *IN GENERAL.*—Title III of the Robert T. Stafford
 4 *Disaster Relief and Emergency Assistance Act* (42 U.S.C.
 5 5141 et seq.) is amended by adding at the end the following:

6 **“SEC. 322. MITIGATION PLANNING.**

7 “(a) *REQUIREMENT OF MITIGATION PLAN.*—As a con-
 8 dition of receipt of an increased Federal share for hazard
 9 mitigation measures under subsection (e), a State, local, or
 10 tribal government shall develop and submit for approval to
 11 the President a mitigation plan that outlines processes for
 12 identifying the natural hazards, risks, and vulnerabilities
 13 of the area under the jurisdiction of the government.

14 “(b) *LOCAL AND TRIBAL PLANS.*—Each mitigation
 15 plan developed by a local or tribal government shall—

16 “(1) describe actions to mitigate hazards, risks,
 17 and vulnerabilities identified under the plan; and

18 “(2) establish a strategy to implement those ac-
 19 tions.

20 “(c) *STATE PLANS.*—The State process of development
 21 of a mitigation plan under this section shall—

22 “(1) identify the natural hazards, risks, and
 23 vulnerabilities of areas in the State;

24 “(2) support development of local mitigation
 25 plans;

1 “(3) *provide for technical assistance to local and*
 2 *tribal governments for mitigation planning; and*

3 “(4) *identify and prioritize mitigation actions*
 4 *that the State will support, as resources become avail-*
 5 *able.*

6 “(d) *FUNDING.—*

7 “(1) *IN GENERAL.—Federal contributions under*
 8 *section 404 may be used to fund the development and*
 9 *updating of mitigation plans under this section.*

10 “(2) *MAXIMUM FEDERAL CONTRIBUTION.—With*
 11 *respect to any mitigation plan, a State, local, or trib-*
 12 *al government may use an amount of Federal con-*
 13 *tributions under section 404 not to exceed 7 percent*
 14 *of the amount of such contributions available to the*
 15 *government as of a date determined by the govern-*
 16 *ment.*

17 “(e) *INCREASED FEDERAL SHARE FOR HAZARD MITI-*
 18 *GATION MEASURES.—*

19 “(1) *IN GENERAL.—If, at the time of the declara-*
 20 *tion of a major disaster, a State has in effect an ap-*
 21 *proved mitigation plan under this section, the Presi-*
 22 *dent may increase to 20 percent, with respect to the*
 23 *major disaster, the maximum percentage specified in*
 24 *the last sentence of section 404(a).*

1 “(2) *FACTORS FOR CONSIDERATION.*—*In deter-*
 2 *mining whether to increase the maximum percentage*
 3 *under paragraph (1), the President shall consider*
 4 *whether the State has established—*

5 “(A) *eligibility criteria for property acqui-*
 6 *sition and other types of mitigation measures;*

7 “(B) *requirements for cost effectiveness that*
 8 *are related to the eligibility criteria;*

9 “(C) *a system of priorities that is related to*
 10 *the eligibility criteria; and*

11 “(D) *a process by which an assessment of*
 12 *the effectiveness of a mitigation action may be*
 13 *carried out after the mitigation action is com-*
 14 *plete.*

15 **“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE**
 16 **STRUCTURES.**

17 “(a) *IN GENERAL.*—*As a condition of receipt of a dis-*
 18 *aster loan or grant under this Act—*

19 “(1) *the recipient shall carry out any repair or*
 20 *construction to be financed with the loan or grant in*
 21 *accordance with applicable standards of safety, de-*
 22 *cency, and sanitation and in conformity with appli-*
 23 *cable codes, specifications, and standards; and*

1 “(2) the President may require safe land use and
 2 construction practices, after adequate consultation
 3 with appropriate State and local government officials.

4 “(b) EVIDENCE OF COMPLIANCE.—A recipient of a dis-
 5 aster loan or grant under this Act shall provide such evi-
 6 dence of compliance with this section as the President may
 7 require by regulation.”.

8 (b) LOSSES FROM STRAIGHT LINE WINDS.—The
 9 President shall increase the maximum percentage specified
 10 in the last sentence of section 404(a) of the Robert T. Staf-
 11 ford Disaster Relief and Emergency Assistance Act (42
 12 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect
 13 to any major disaster that is in the State of Minnesota and
 14 for which assistance is being provided as of the date of en-
 15 actment of this Act, except that additional assistance pro-
 16 vided under this subsection shall not exceed \$6,000,000. The
 17 mitigation measures assisted under this subsection shall be
 18 related to losses in the State of Minnesota from straight line
 19 winds.

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 404(a) of the Robert T. Stafford Dis-
 22 aster Relief and Emergency Assistance Act (42 U.S.C.
 23 5170c(a)) is amended—

24 (A) in the second sentence, by striking “sec-
 25 tion 409” and inserting “section 322”; and

1 (B) in the third sentence, by striking “The
2 total” and inserting “Subject to section 322, the
3 total”.

4 (2) Section 409 of the Robert T. Stafford Dis-
5 aster Relief and Emergency Assistance Act (42 U.S.C.
6 5176) is repealed.

7 **TITLE II—STREAMLINING AND** 8 **COST REDUCTION**

9 **SEC. 201. TECHNICAL AMENDMENTS.**

10 Section 311 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5154) is amend-
12 ed in subsections (a)(1), (b), and (c) by striking “section
13 803 of the Public Works and Economic Development Act
14 of 1965” each place it appears and inserting “section
15 209(c)(2) of the Public Works and Economic Development
16 Act of 1965 (42 U.S.C. 3149(c)(2))”.

17 **SEC. 202. MANAGEMENT COSTS.**

18 (a) *IN GENERAL.*—Title III of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
20 5141 *et seq.*) (as amended by section 104(a)) is amended
21 by adding at the end the following:

22 **“SEC. 324. MANAGEMENT COSTS.**

23 “(a) *DEFINITION OF MANAGEMENT COST.*—In this sec-
24 tion, the term ‘management cost’ includes any indirect cost,
25 any administrative expense, and any other expense not di-

1 rectly chargeable to a specific project under a major dis-
 2 aster, emergency, or disaster preparedness or mitigation ac-
 3 tivity or measure.

4 “(b) *ESTABLISHMENT OF MANAGEMENT COST*
 5 *RATES.*—Notwithstanding any other provision of law (in-
 6 cluding any administrative rule or guidance), the President
 7 shall by regulation establish management cost rates, for
 8 grantees and subgrantees, that shall be used to determine
 9 contributions under this Act for management costs.

10 “(c) *REVIEW.*—The President shall review the manage-
 11 ment cost rates established under subsection (b) not later
 12 than 3 years after the date of establishment of the rates and
 13 periodically thereafter.”.

14 (b) *APPLICABILITY.*—

15 (1) *IN GENERAL.*—Subject to paragraph (2), sub-
 16 sections (a) and (b) of section 324 of the Robert T.
 17 Stafford Disaster Relief and Emergency Assistance
 18 Act (as added by subsection (a)) shall apply to major
 19 disasters declared under that Act on or after the date
 20 of enactment of this Act.

21 (2) *INTERIM AUTHORITY.*—Until the date on
 22 which the President establishes the management cost
 23 rates under section 324 of the Robert T. Stafford Dis-
 24 aster Relief and Emergency Assistance Act (as added
 25 by subsection (a)), section 406(f) of the Robert T.

1 *Stafford Disaster Relief and Emergency Assistance*
 2 *Act (42 U.S.C. 5172(f)) (as in effect on the day before*
 3 *the date of enactment of this Act) shall be used to es-*
 4 *tablish management cost rates.*

5 **SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION**
 6 **REQUIREMENTS.**

7 *Title III of the Robert T. Stafford Disaster Relief and*
 8 *Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as*
 9 *amended by section 202(a)) is amended by adding at the*
 10 *end the following:*

11 **“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION**
 12 **REQUIREMENTS.**

13 “(a) *PUBLIC NOTICE AND COMMENT CONCERNING*
 14 *NEW OR MODIFIED POLICIES.—*

15 “(1) *IN GENERAL.—The President shall provide*
 16 *for public notice and opportunity for comment before*
 17 *adopting any new or modified policy that—*

18 “(A) *governs implementation of the public*
 19 *assistance program administered by the Federal*
 20 *Emergency Management Agency under this Act;*
 21 *and*

22 “(B) *could result in a significant reduction*
 23 *of assistance under the program.*

24 “(2) *APPLICATION.—Any policy adopted under*
 25 *paragraph (1) shall apply only to a major disaster or*

1 *emergency declared on or after the date on which the*
2 *policy is adopted.*

3 “(b) *CONSULTATION CONCERNING INTERIM POLI-*
4 *CIES.—*

5 “(1) *IN GENERAL.—Before adopting any interim*
6 *policy under the public assistance program to address*
7 *specific conditions that relate to a major disaster or*
8 *emergency that has been declared under this Act, the*
9 *President, to the maximum extent practicable, shall*
10 *solicit the views and recommendations of grantees*
11 *and subgrantees with respect to the major disaster or*
12 *emergency concerning the potential interim policy, if*
13 *the interim policy is likely—*

14 “(A) *to result in a significant reduction of*
15 *assistance to applicants for the assistance with*
16 *respect to the major disaster or emergency; or*

17 “(B) *to change the terms of a written agree-*
18 *ment to which the Federal Government is a*
19 *party concerning the declaration of the major*
20 *disaster or emergency.*

21 “(2) *NO LEGAL RIGHT OF ACTION.—Nothing in*
22 *this subsection confers a legal right of action on any*
23 *party.*

1 “(c) *PUBLIC ACCESS.*—*The President shall promote*
 2 *public access to policies governing the implementation of*
 3 *the public assistance program.*”.

4 **SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION**
 5 **GRANT PROGRAM.**

6 *Section 404 of the Robert T. Stafford Disaster Relief*
 7 *and Emergency Assistance Act (42 U.S.C. 5170c) is amend-*
 8 *ed by adding at the end the following:*

9 “(c) *PROGRAM ADMINISTRATION BY STATES.*—

10 “(1) *IN GENERAL.*—*A State desiring to admin-*
 11 *ister the hazard mitigation grant program established*
 12 *by this section with respect to hazard mitigation as-*
 13 *sistance in the State may submit to the President an*
 14 *application for the delegation of the authority to ad-*
 15 *minister the program.*

16 “(2) *CRITERIA.*—*The President, in consultation*
 17 *and coordination with States and local governments,*
 18 *shall establish criteria for the approval of applica-*
 19 *tions submitted under paragraph (1). The criteria*
 20 *shall include, at a minimum—*

21 “(A) *the demonstrated ability of the State to*
 22 *manage the grant program under this section;*

23 “(B) *there being in effect an approved miti-*
 24 *gation plan under section 322; and*

1 “(C) a demonstrated commitment to mitiga-
2 tion activities.

3 “(3) *APPROVAL.*—The President shall approve
4 an application submitted under paragraph (1) that
5 meets the criteria established under paragraph (2).

6 “(4) *WITHDRAWAL OF APPROVAL.*—If, after ap-
7 proving an application of a State submitted under
8 paragraph (1), the President determines that the
9 State is not administering the hazard mitigation
10 grant program established by this section in a man-
11 ner satisfactory to the President, the President shall
12 withdraw the approval.

13 “(5) *AUDITS.*—The President shall provide for
14 periodic audits of the hazard mitigation grant pro-
15 grams administered by States under this subsection.”.

16 **SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECON-**
17 **STRUCT, OR REPLACE DAMAGED FACILITIES.**

18 (a) *CONTRIBUTIONS.*—Section 406 of the Robert T.
19 *Stafford Disaster Relief and Emergency Assistance Act* (42
20 *U.S.C. 5172*) is amended by striking subsection (a) and in-
21 *serting the following:*

22 “(a) *CONTRIBUTIONS.*—

23 “(1) *IN GENERAL.*—The President may make
24 contributions—

1 “(A) to a State or local government for the
2 repair, restoration, reconstruction, or replace-
3 ment of a public facility damaged or destroyed
4 by a major disaster and for associated expenses
5 incurred by the government; and

6 “(B) subject to paragraph (3), to a person
7 that owns or operates a private nonprofit facility
8 damaged or destroyed by a major disaster for the
9 repair, restoration, reconstruction, or replace-
10 ment of the facility and for associated expenses
11 incurred by the person.

12 “(2) ASSOCIATED EXPENSES.—For the purposes
13 of this section, associated expenses shall include—

14 “(A) the costs of mobilizing and employing
15 the National Guard for performance of eligible
16 work;

17 “(B) the costs of using prison labor to per-
18 form eligible work, including wages actually
19 paid, transportation to a worksite, and extraor-
20 dinary costs of guards, food, and lodging; and

21 “(C) base and overtime wages for the em-
22 ployees and extra hires of a State, local govern-
23 ment, or person described in paragraph (1) that
24 perform eligible work, plus fringe benefits on

1 *such wages to the extent that such benefits were*
 2 *being paid before the major disaster.*

3 “(3) *CONDITIONS FOR ASSISTANCE TO PRIVATE*
 4 *NONPROFIT FACILITIES.—*

5 “(A) *IN GENERAL.—The President may*
 6 *make contributions to a private nonprofit facil-*
 7 *ity under paragraph (1)(B) only if—*

8 “(i) *the facility provides critical serv-*
 9 *ices (as defined by the President) in the*
 10 *event of a major disaster; or*

11 “(ii) *the owner or operator of the*
 12 *facility—*

13 “(I) *has applied for a disaster*
 14 *loan under section 7(b) of the Small*
 15 *Business Act (15 U.S.C. 636(b)); and*

16 “(II)(aa) *has been determined to*
 17 *be ineligible for such a loan; or*

18 “(bb) *has obtained such a loan in*
 19 *the maximum amount for which the*
 20 *Small Business Administration deter-*
 21 *mines the facility is eligible.*

22 “(B) *DEFINITION OF CRITICAL SERVICES.—*
 23 *In this paragraph, the term ‘critical services’ in-*
 24 *cludes power, water (including water provided*
 25 *by an irrigation organization or facility), sewer,*

1 wastewater treatment, communications, and
2 emergency medical care.

3 “(4) NOTIFICATION TO CONGRESS.—Before mak-
4 ing any contribution under this section in an amount
5 greater than \$20,000,000, the President shall notify—

6 “(A) the Committee on Environment and
7 Public Works of the Senate;

8 “(B) the Committee on Transportation and
9 Infrastructure of the House of Representatives;

10 “(C) the Committee on Appropriations of
11 the Senate; and

12 “(D) the Committee on Appropriations of
13 the House of Representatives.”.

14 (b) FEDERAL SHARE.—Section 406 of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act (42
16 U.S.C. 5172) is amended by striking subsection (b) and in-
17 serting the following:

18 “(b) FEDERAL SHARE.—

19 “(1) MINIMUM FEDERAL SHARE.—Except as pro-
20 vided in paragraph (2), the Federal share of assist-
21 ance under this section shall be not less than 75 per-
22 cent of the eligible cost of repair, restoration, recon-
23 struction, or replacement carried out under this sec-
24 tion.

1 “(2) *REDUCED FEDERAL SHARE.*—*The President*
 2 *shall promulgate regulations to reduce the Federal*
 3 *share of assistance under this section to not less than*
 4 *25 percent in the case of the repair, restoration, re-*
 5 *construction, or replacement of any eligible public fa-*
 6 *cility or private nonprofit facility following an event*
 7 *associated with a major disaster—*

8 “(A) *that has been damaged, on more than*
 9 *1 occasion within the preceding 10-year period,*
 10 *by the same type of event; and*

11 “(B) *the owner of which has failed to imple-*
 12 *ment appropriate mitigation measures to ad-*
 13 *dress the hazard that caused the damage to the*
 14 *facility.”.*

15 (c) *LARGE IN-LIEU CONTRIBUTIONS.*—*Section 406 of*
 16 *the Robert T. Stafford Disaster Relief and Emergency As-*
 17 *sistance Act (42 U.S.C. 5172) is amended by striking sub-*
 18 *section (c) and inserting the following:*

19 “(c) *LARGE IN-LIEU CONTRIBUTIONS.*—

20 “(1) *FOR PUBLIC FACILITIES.*—

21 “(A) *IN GENERAL.*—*In any case in which a*
 22 *State or local government determines that the*
 23 *public welfare would not best be served by re-*
 24 *pairing, restoring, reconstructing, or replacing*
 25 *any public facility owned or controlled by the*

1 *State or local government, the State or local gov-*
2 *ernment may elect to receive, in lieu of a con-*
3 *tribution under subsection (a)(1)(A), a contribu-*
4 *tion in an amount equal to 75 percent of the*
5 *Federal share of the Federal estimate of the cost*
6 *of repairing, restoring, reconstructing, or replac-*
7 *ing the facility and of management expenses.*

8 *“(B) AREAS WITH UNSTABLE SOIL.—In any*
9 *case in which a State or local government deter-*
10 *mines that the public welfare would not best be*
11 *served by repairing, restoring, reconstructing, or*
12 *replacing any public facility owned or controlled*
13 *by the State or local government because soil in-*
14 *stability in the disaster area makes repair, res-*
15 *toration, reconstruction, or replacement infeas-*
16 *ible, the State or local government may elect to*
17 *receive, in lieu of a contribution under sub-*
18 *section (a)(1)(A), a contribution in an amount*
19 *equal to 90 percent of the Federal share of the*
20 *Federal estimate of the cost of repairing, restor-*
21 *ing, reconstructing, or replacing the facility and*
22 *of management expenses.*

23 *“(C) USE OF FUNDS.—Funds contributed to*
24 *a State or local government under this para-*
25 *graph may be used—*

1 “(i) to repair, restore, or expand other
2 selected public facilities;

3 “(ii) to construct new facilities; or

4 “(iii) to fund hazard mitigation meas-
5 ures that the State or local government de-
6 termines to be necessary to meet a need for
7 governmental services and functions in the
8 area affected by the major disaster.

9 “(D) LIMITATIONS.—Funds made available
10 to a State or local government under this para-
11 graph may not be used for—

12 “(i) any public facility located in a
13 regulatory floodway (as defined in section
14 59.1 of title 44, Code of Federal Regulations
15 (or a successor regulation)); or

16 “(ii) any uninsured public facility lo-
17 cated in a special flood hazard area identi-
18 fied by the Director of the Federal Emer-
19 gency Management Agency under the Na-
20 tional Flood Insurance Act of 1968 (42
21 U.S.C. 4001 et seq.).

22 “(2) FOR PRIVATE NONPROFIT FACILITIES.—

23 “(A) IN GENERAL.—In any case in which a
24 person that owns or operates a private nonprofit
25 facility determines that the public welfare would

1 *not best be served by repairing, restoring, recon-*
2 *structing, or replacing the facility, the person*
3 *may elect to receive, in lieu of a contribution*
4 *under subsection (a)(1)(B), a contribution in an*
5 *amount equal to 75 percent of the Federal share*
6 *of the Federal estimate of the cost of repairing,*
7 *restoring, reconstructing, or replacing the facil-*
8 *ity and of management expenses.*

9 “(B) *USE OF FUNDS.—Funds contributed to*
10 *a person under this paragraph may be used—*

11 “(i) *to repair, restore, or expand other*
12 *selected private nonprofit facilities owned or*
13 *operated by the person;*

14 “(ii) *to construct new private non-*
15 *profit facilities to be owned or operated by*
16 *the person; or*

17 “(iii) *to fund hazard mitigation meas-*
18 *ures that the person determines to be nec-*
19 *essary to meet a need for the person’s serv-*
20 *ices and functions in the area affected by*
21 *the major disaster.*

22 “(C) *LIMITATIONS.—Funds made available*
23 *to a person under this paragraph may not be*
24 *used for—*

1 “(i) any private nonprofit facility lo-
 2 cated in a regulatory floodway (as defined
 3 in section 59.1 of title 44, Code of Federal
 4 Regulations (or a successor regulation)); or

5 “(ii) any uninsured private nonprofit
 6 facility located in a special flood hazard
 7 area identified by the Director of the Fed-
 8 eral Emergency Management Agency under
 9 the National Flood Insurance Act of 1968
 10 (42 U.S.C. 4001 et seq.).”.

11 (d) *ELIGIBLE COST.*—

12 (1) *IN GENERAL.*—Section 406 of the Robert T.
 13 Stafford Disaster Relief and Emergency Assistance
 14 Act (42 U.S.C. 5172) is amended by striking sub-
 15 section (e) and inserting the following:

16 “(e) *ELIGIBLE COST.*—

17 “(1) *DETERMINATION.*—

18 “(A) *IN GENERAL.*—For the purposes of this
 19 section, the President shall estimate the eligible
 20 cost of repairing, restoring, reconstructing, or re-
 21 placing a public facility or private nonprofit
 22 facility—

23 “(i) on the basis of the design of the fa-
 24 cility as the facility existed immediately be-
 25 fore the major disaster; and

1 “(ii) *in conformity with codes, speci-*
 2 *fications, and standards (including flood-*
 3 *plain management and hazard mitigation*
 4 *criteria required by the President or under*
 5 *the Coastal Barrier Resources Act (16*
 6 *U.S.C. 3501 et seq.)) applicable at the time*
 7 *at which the disaster occurred.*

8 “(B) *COST ESTIMATION PROCEDURES.*—

9 “(i) *IN GENERAL.*—Subject to para-
 10 *graph (2), the President shall use the cost*
 11 *estimation procedures established under*
 12 *paragraph (3) to determine the eligible cost*
 13 *under this subsection.*

14 “(ii) *APPLICABILITY.*—The procedures
 15 *specified in this paragraph and paragraph*
 16 *(2) shall apply only to projects the eligible*
 17 *cost of which is equal to or greater than the*
 18 *amount specified in section 422.*

19 “(2) *MODIFICATION OF ELIGIBLE COST.*—

20 “(A) *ACTUAL COST GREATER THAN CEILING*
 21 *PERCENTAGE OF ESTIMATED COST.*—In any case
 22 *in which the actual cost of repairing, restoring,*
 23 *reconstructing, or replacing a facility under this*
 24 *section is greater than the ceiling percentage es-*
 25 *tablished under paragraph (3) of the cost esti-*

1 mated under paragraph (1), the President may
2 determine that the eligible cost includes a por-
3 tion of the actual cost of the repair, restoration,
4 reconstruction, or replacement that exceeds the
5 cost estimated under paragraph (1).

6 “(B) *ACTUAL COST LESS THAN ESTIMATED*
7 *COST.—*

8 “(i) *GREATER THAN OR EQUAL TO*
9 *FLOOR PERCENTAGE OF ESTIMATED*
10 *COST.—In any case in which the actual cost*
11 *of repairing, restoring, reconstructing, or*
12 *replacing a facility under this section is less*
13 *than 100 percent of the cost estimated under*
14 *paragraph (1), but is greater than or equal*
15 *to the floor percentage established under*
16 *paragraph (3) of the cost estimated under*
17 *paragraph (1), the State or local govern-*
18 *ment or person receiving funds under this*
19 *section shall use the excess funds to carry*
20 *out cost-effective activities that reduce the*
21 *risk of future damage, hardship, or suf-*
22 *fering from a major disaster.*

23 “(ii) *LESS THAN FLOOR PERCENTAGE*
24 *OF ESTIMATED COST.—In any case in*
25 *which the actual cost of repairing, restoring,*

1 *reconstructing, or replacing a facility under*
2 *this section is less than the floor percentage*
3 *established under paragraph (3) of the cost*
4 *estimated under paragraph (1), the State or*
5 *local government or person receiving assist-*
6 *ance under this section shall reimburse the*
7 *President in the amount of the difference.*

8 “(C) *NO EFFECT ON APPEALS PROCESS.*—
9 *Nothing in this paragraph affects any right of*
10 *appeal under section 423.*

11 “(3) *EXPERT PANEL.*—

12 “(A) *ESTABLISHMENT.*—*Not later than 18*
13 *months after the date of enactment of this para-*
14 *graph, the President, acting through the Director*
15 *of the Federal Emergency Management Agency,*
16 *shall establish an expert panel, which shall in-*
17 *clude representatives from the construction in-*
18 *dustry and State and local government.*

19 “(B) *DUTIES.*—*The expert panel shall de-*
20 *velop recommendations concerning—*

21 “(i) *procedures for estimating the cost*
22 *of repairing, restoring, reconstructing, or*
23 *replacing a facility consistent with industry*
24 *practices; and*

1 “(ii) the ceiling and floor percentages
2 referred to in paragraph (2).

3 “(C) REGULATIONS.—Taking into account
4 the recommendations of the expert panel under
5 subparagraph (B), the President shall promul-
6 gate regulations that establish—

7 “(i) cost estimation procedures de-
8 scribed in subparagraph (B)(i); and

9 “(ii) the ceiling and floor percentages
10 referred to in paragraph (2).

11 “(D) REVIEW BY PRESIDENT.—Not later
12 than 2 years after the date of promulgation of
13 regulations under subparagraph (C) and periodi-
14 cally thereafter, the President shall review the
15 cost estimation procedures and the ceiling and
16 floor percentages established under this para-
17 graph.

18 “(E) REPORT TO CONGRESS.—Not later
19 than 1 year after the date of promulgation of
20 regulations under subparagraph (C), 3 years
21 after that date, and at the end of each 2-year pe-
22 riod thereafter, the expert panel shall submit to
23 Congress a report on the appropriateness of the
24 cost estimation procedures.

1 “(4) *SPECIAL RULE.*—*In any case in which the*
2 *facility being repaired, restored, reconstructed, or re-*
3 *placed under this section was under construction on*
4 *the date of the major disaster, the cost of repairing,*
5 *restoring, reconstructing, or replacing the facility*
6 *shall include, for the purposes of this section, only*
7 *those costs that, under the contract for the construc-*
8 *tion, are the owner’s responsibility and not the con-*
9 *tractor’s responsibility.”.*

10 (2) *EFFECTIVE DATE.*—*The amendment made by*
11 *paragraph (1) takes effect on the date of enactment of*
12 *this Act and applies to funds appropriated after the*
13 *date of enactment of this Act, except that paragraph*
14 *(1) of section 406(e) of the Robert T. Stafford Disaster*
15 *Relief and Emergency Assistance Act (as amended by*
16 *paragraph (1)) takes effect on the date on which the*
17 *cost estimation procedures established under para-*
18 *graph (3) of that section take effect.*

19 (e) *CONFORMING AMENDMENT.*—*Section 406 of the*
20 *Robert T. Stafford Disaster Relief and Emergency Assist-*
21 *ance Act (42 U.S.C. 5172) is amended by striking sub-*
22 *section (f).*

1 **SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 2 **HOUSEHOLDS.**

3 (a) *IN GENERAL.*—Section 408 of the Robert T. Staf-
 4 ford Disaster Relief and Emergency Assistance Act (42
 5 U.S.C. 5174) is amended to read as follows:

6 **“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
 7 **HOUSEHOLDS.**

8 “(a) *IN GENERAL.*—

9 “(1) *PROVISION OF ASSISTANCE.*—In accordance
 10 with this section, the President, in consultation with
 11 the Governor of a State, may provide financial assist-
 12 ance, and, if necessary, direct services, to individuals
 13 and households in the State who, as a direct result of
 14 a major disaster, have necessary expenses and serious
 15 needs in cases in which the individuals and house-
 16 holds are unable to meet such expenses or needs
 17 through other means.

18 “(2) *RELATIONSHIP TO OTHER ASSISTANCE.*—
 19 Under paragraph (1), an individual or household
 20 shall not be denied assistance under paragraph (1),
 21 (3), or (4) of subsection (c) solely on the basis that
 22 the individual or household has not applied for or re-
 23 ceived any loan or other financial assistance from the
 24 Small Business Administration or any other Federal
 25 agency.

26 “(b) *HOUSING ASSISTANCE.*—

1 “(1) *ELIGIBILITY.*—*The President may provide*
2 *financial or other assistance under this section to in-*
3 *dividuals and households to respond to the disaster-*
4 *related housing needs of individuals and households*
5 *who are displaced from their predisaster primary*
6 *residences or whose predisaster primary residences*
7 *are rendered uninhabitable as a result of damage*
8 *caused by a major disaster.*

9 “(2) *DETERMINATION OF APPROPRIATE TYPES*
10 *OF ASSISTANCE.*—

11 “(A) *IN GENERAL.*—*The President shall de-*
12 *termine appropriate types of housing assistance*
13 *to be provided under this section to individuals*
14 *and households described in subsection (a)(1)*
15 *based on considerations of cost effectiveness, con-*
16 *venience to the individuals and households, and*
17 *such other factors as the President may consider*
18 *appropriate.*

19 “(B) *MULTIPLE TYPES OF ASSISTANCE.*—
20 *One or more types of housing assistance may be*
21 *made available under this section, based on the*
22 *suitability and availability of the types of assist-*
23 *ance, to meet the needs of individuals and house-*
24 *holds in the particular disaster situation.*

25 “(c) *TYPES OF HOUSING ASSISTANCE.*—

1 “(1) *TEMPORARY HOUSING.*—

2 “(A) *FINANCIAL ASSISTANCE.*—

3 “(i) *IN GENERAL.*—*The President may*
 4 *provide financial assistance to individuals*
 5 *or households to rent alternate housing ac-*
 6 *commodations, existing rental units, manu-*
 7 *factured housing, recreational vehicles, or*
 8 *other readily fabricated dwellings.*

9 “(ii) *AMOUNT.*—*The amount of assist-*
 10 *ance under clause (i) shall be based on the*
 11 *fair market rent for the accommodation*
 12 *provided plus the cost of any transpor-*
 13 *tation, utility hookups, or unit installation*
 14 *not provided directly by the President.*

15 “(B) *DIRECT ASSISTANCE.*—

16 “(i) *IN GENERAL.*—*The President may*
 17 *provide temporary housing units, acquired*
 18 *by purchase or lease, directly to individuals*
 19 *or households who, because of a lack of*
 20 *available housing resources, would be unable*
 21 *to make use of the assistance provided under*
 22 *subparagraph (A).*

23 “(ii) *PERIOD OF ASSISTANCE.*—*The*
 24 *President may not provide direct assistance*
 25 *under clause (i) with respect to a major dis-*

1 *aster after the end of the 18-month period*
 2 *beginning on the date of the declaration of*
 3 *the major disaster by the President, except*
 4 *that the President may extend that period if*
 5 *the President determines that due to ex-*
 6 *traordinary circumstances an extension*
 7 *would be in the public interest.*

8 “(iii) *COLLECTION OF RENTAL*
 9 *CHARGES.—After the end of the 18-month*
 10 *period referred to in clause (ii), the Presi-*
 11 *dent may charge fair market rent for each*
 12 *temporary housing unit provided.*

13 “(2) *REPAIRS.—*

14 “(A) *IN GENERAL.—The President may pro-*
 15 *vide financial assistance for—*

16 “(i) *the repair of owner-occupied pri-*
 17 *vate residences, utilities, and residential in-*
 18 *frastructure (such as a private access route)*
 19 *damaged by a major disaster to a safe and*
 20 *sanitary living or functioning condition;*
 21 *and*

22 “(ii) *eligible hazard mitigation meas-*
 23 *ures that reduce the likelihood of future*
 24 *damage to such residences, utilities, or in-*
 25 *frastructure.*

1 “(B) *RELATIONSHIP TO OTHER ASSIST-*
 2 *ANCE.—A recipient of assistance provided under*
 3 *this paragraph shall not be required to show that*
 4 *the assistance can be met through other means,*
 5 *except insurance proceeds.*

6 “(C) *MAXIMUM AMOUNT OF ASSISTANCE.—*
 7 *The amount of assistance provided to a house-*
 8 *hold under this paragraph shall not exceed*
 9 *\$5,000, as adjusted annually to reflect changes*
 10 *in the Consumer Price Index for All Urban Con-*
 11 *sumers published by the Department of Labor.*

12 “(3) *REPLACEMENT.—*

13 “(A) *IN GENERAL.—The President may pro-*
 14 *vide financial assistance for the replacement of*
 15 *owner-occupied private residences damaged by a*
 16 *major disaster.*

17 “(B) *MAXIMUM AMOUNT OF ASSISTANCE.—*
 18 *The amount of assistance provided to a house-*
 19 *hold under this paragraph shall not exceed*
 20 *\$10,000, as adjusted annually to reflect changes*
 21 *in the Consumer Price Index for All Urban Con-*
 22 *sumers published by the Department of Labor.*

23 “(C) *APPLICABILITY OF FLOOD INSURANCE*
 24 *REQUIREMENT.—With respect to assistance pro-*
 25 *vided under this paragraph, the President may*

1 *not waive any provision of Federal law requir-*
2 *ing the purchase of flood insurance as a condi-*
3 *tion of the receipt of Federal disaster assistance.*

4 “(4) *PERMANENT HOUSING CONSTRUCTION.—The*
5 *President may provide financial assistance or direct*
6 *assistance to individuals or households to construct*
7 *permanent housing in insular areas outside the conti-*
8 *ental United States and in other remote locations in*
9 *cases in which—*

10 “(A) *no alternative housing resources are*
11 *available; and*

12 “(B) *the types of temporary housing assist-*
13 *ance described in paragraph (1) are unavailable,*
14 *infeasible, or not cost-effective.*

15 “(d) *TERMS AND CONDITIONS RELATING TO HOUSING*
16 *ASSISTANCE.—*

17 “(1) *SITES.—*

18 “(A) *IN GENERAL.—Any readily fabricated*
19 *dwelling provided under this section shall, when-*
20 *ever practicable, be located on a site that—*

21 “(i) *is complete with utilities; and*

22 “(ii) *is provided by the State or local*
23 *government, by the owner of the site, or by*
24 *the occupant who was displaced by the*
25 *major disaster.*

1 “(B) *SITES PROVIDED BY THE PRESI-*
 2 *DENT.—A readily fabricated dwelling may be lo-*
 3 *cated on a site provided by the President if the*
 4 *President determines that such a site would be*
 5 *more economical or accessible.*

6 “(2) *DISPOSAL OF UNITS.—*

7 “(A) *SALE TO OCCUPANTS.—*

8 “(i) *IN GENERAL.—Notwithstanding*
 9 *any other provision of law, a temporary*
 10 *housing unit purchased under this section*
 11 *by the President for the purpose of housing*
 12 *disaster victims may be sold directly to the*
 13 *individual or household who is occupying*
 14 *the unit if the individual or household lacks*
 15 *permanent housing.*

16 “(ii) *SALE PRICE.—A sale of a tem-*
 17 *porary housing unit under clause (i) shall*
 18 *be at a price that is fair and equitable.*

19 “(iii) *DEPOSIT OF PROCEEDS.—Not-*
 20 *withstanding any other provision of law,*
 21 *the proceeds of a sale under clause (i) shall*
 22 *be deposited in the appropriate Disaster Re-*
 23 *lief Fund account.*

24 “(iv) *HAZARD AND FLOOD INSUR-*
 25 *ANCE.—A sale of a temporary housing unit*

1 *under clause (i) shall be made on the condi-*
2 *tion that the individual or household pur-*
3 *chasing the housing unit agrees to obtain*
4 *and maintain hazard and flood insurance*
5 *on the housing unit.*

6 “(v) *USE OF GSA SERVICES.—The*
7 *President may use the services of the Gen-*
8 *eral Services Administration to accomplish*
9 *a sale under clause (i).*

10 “(B) *OTHER METHODS OF DISPOSAL.—If*
11 *not disposed of under subparagraph (A), a tem-*
12 *porary housing unit purchased under this sec-*
13 *tion by the President for the purpose of housing*
14 *disaster victims—*

15 “(i) *may be sold to any person; or*

16 “(ii) *may be sold, transferred, donated,*
17 *or otherwise made available directly to a*
18 *State or other governmental entity or to a*
19 *voluntary organization for the sole purpose*
20 *of providing temporary housing to disaster*
21 *victims in major disasters and emergencies*
22 *if, as a condition of the sale, transfer, or do-*
23 *nation, the State, other governmental agen-*
24 *cy, or voluntary organization agrees—*

1 “(I) to comply with the non-
2 discrimination provisions of section
3 308; and

4 “(II) to obtain and maintain haz-
5 ard and flood insurance on the housing
6 unit.

7 “(e) *FINANCIAL ASSISTANCE TO ADDRESS OTHER*
8 *NEEDS.*—

9 “(1) *MEDICAL, DENTAL, AND FUNERAL EX-*
10 *PENSES.*—*The President, in consultation with the*
11 *Governor of a State, may provide financial assistance*
12 *under this section to an individual or household in*
13 *the State who is adversely affected by a major dis-*
14 *aster to meet disaster-related medical, dental, and fu-*
15 *neral expenses.*

16 “(2) *PERSONAL PROPERTY, TRANSPORTATION,*
17 *AND OTHER EXPENSES.*—*The President, in consulta-*
18 *tion with the Governor of a State, may provide finan-*
19 *cial assistance under this section to an individual or*
20 *household described in paragraph (1) to address per-*
21 *sonal property, transportation, and other necessary*
22 *expenses or serious needs resulting from the major*
23 *disaster.*

24 “(f) *STATE ROLE.*—

1 “(1) *FINANCIAL ASSISTANCE TO ADDRESS OTHER*
2 *NEEDS.*—

3 “(A) *GRANT TO STATE.*—*Subject to sub-*
4 *section (g), a Governor may request a grant from*
5 *the President to provide financial assistance to*
6 *individuals and households in the State under*
7 *subsection (e).*

8 “(B) *ADMINISTRATIVE COSTS.*—*A State*
9 *that receives a grant under subparagraph (A)*
10 *may expend not more than 5 percent of the*
11 *amount of the grant for the administrative costs*
12 *of providing financial assistance to individuals*
13 *and households in the State under subsection (e).*

14 “(2) *ACCESS TO RECORDS.*—*In providing assist-*
15 *ance to individuals and households under this section,*
16 *the President shall provide for the substantial and on-*
17 *going involvement of the States in which the individ-*
18 *uals and households are located, including by pro-*
19 *viding to the States access to the electronic records of*
20 *individuals and households receiving assistance under*
21 *this section in order for the States to make available*
22 *any additional State and local assistance to the indi-*
23 *viduals and households.*

24 “(g) *COST SHARING.*—

1 “(1) *FEDERAL SHARE.*—*Except as provided in*
 2 *paragraph (2), the Federal share of the costs eligible*
 3 *to be paid using assistance provided under this sec-*
 4 *tion shall be 100 percent.*

5 “(2) *FINANCIAL ASSISTANCE TO ADDRESS OTHER*
 6 *NEEDS.*—*In the case of financial assistance provided*
 7 *under subsection (e)—*

8 “(A) *the Federal share shall be 75 percent;*
 9 *and*

10 “(B) *the non-Federal share shall be paid*
 11 *from funds made available by the State.*

12 “(h) *MAXIMUM AMOUNT OF ASSISTANCE.*—

13 “(1) *IN GENERAL.*—*No individual or household*
 14 *shall receive financial assistance greater than \$25,000*
 15 *under this section with respect to a single major dis-*
 16 *aster.*

17 “(2) *ADJUSTMENT OF LIMIT.*—*The limit estab-*
 18 *lished under paragraph (1) shall be adjusted annually*
 19 *to reflect changes in the Consumer Price Index for All*
 20 *Urban Consumers published by the Department of*
 21 *Labor.*

22 “(i) *RULES AND REGULATIONS.*—*The President shall*
 23 *prescribe rules and regulations to carry out this section, in-*
 24 *cluding criteria, standards, and procedures for determining*
 25 *eligibility for assistance.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 502(a)(6) of
 2 the Robert T. Stafford Disaster Relief and Emergency As-
 3 sistance Act (42 U.S.C. 5192(a)(6)) is amended by striking
 4 “temporary housing”.

5 (c) *ELIMINATION OF INDIVIDUAL AND FAMILY GRANT*
 6 *PROGRAMS.*—Section 411 of the Robert T. Stafford Disaster
 7 Relief and Emergency Assistance Act (42 U.S.C. 5178) is
 8 repealed.

9 (d) *EFFECTIVE DATE.*—The amendments made by this
 10 section take effect 18 months after the date of enactment
 11 of this Act.

12 **SEC. 207. COMMUNITY DISASTER LOANS.**

13 Section 417 of the Robert T. Stafford Disaster Relief
 14 and Emergency Assistance Act (42 U.S.C. 5184) is
 15 amended—

16 (1) by striking “(a) The President” and insert-
 17 ing the following:

18 “(a) *IN GENERAL.*—The President”;

19 (2) by striking “The amount” and inserting the
 20 following:

21 “(b) *AMOUNT.*—The amount”;

22 (3) by striking “Repayment” and inserting the
 23 following:

24 “(c) *REPAYMENT.*—

25 “(1) *CANCELLATION.*—Repayment”;

1 (4) by striking “(b) Any loans” and inserting
2 the following:

3 “(d) *EFFECT ON OTHER ASSISTANCE.—Any loans*”;

4 (5) in subsection (b) (as designated by para-
5 graph (2))—

6 (A) by striking “and shall” and inserting
7 “shall”; and

8 (B) by inserting before the period at the end
9 the following: “, and shall not exceed
10 \$5,000,000”; and

11 (6) in subsection (c) (as designated by para-
12 graph (3)), by adding at the end the following:

13 “(2) *CONDITION ON CONTINUING ELIGIBILITY.—*
14 *A local government shall not be eligible for further as-*
15 *sistance under this section during any period in*
16 *which the local government is in arrears with respect*
17 *to a required repayment of a loan under this sec-*
18 *tion.*”.

19 **SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DIS-**
20 **ASTERS INITIATIVE.**

21 *Not later than 3 years after the date of enactment of*
22 *this Act, the President shall submit to Congress a report*
23 *describing the results of the State Management of Small*
24 *Disasters Initiative, including—*

1 (1) *identification of any administrative or fi-*
 2 *nancial benefits of the initiative; and*

3 (2) *recommendations concerning the conditions,*
 4 *if any, under which States should be allowed the op-*
 5 *tion to administer parts of the assistance program*
 6 *under section 406 of the Robert T. Stafford Disaster*
 7 *Relief and Emergency Assistance Act (42 U.S.C.*
 8 *5172).*

9 **SEC. 209. STUDY REGARDING COST REDUCTION.**

10 *Not later than 3 years after the date of enactment of*
 11 *this Act, the Director of the Congressional Budget Office*
 12 *shall complete a study estimating the reduction in Federal*
 13 *disaster assistance that has resulted and is likely to result*
 14 *from the enactment of this Act.*

15 **TITLE III—MISCELLANEOUS**

16 **SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.**

17 *The first section of the Robert T. Stafford Disaster Re-*
 18 *lief and Emergency Assistance Act (42 U.S.C. 5121 note)*
 19 *is amended to read as follows:*

20 **“SECTION 1. SHORT TITLE.**

21 *“This Act may be cited as the ‘Robert T. Stafford Dis-*
 22 *aster Relief and Emergency Assistance Act’.”.*

1 **SEC. 302. DEFINITIONS.**

2 *Section 102 of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5122) is*
4 *amended—*

5 *(1) in each of paragraphs (3) and (4), by strik-*
6 *ing “the Northern” and all that follows through “Pa-*
7 *cific Islands” and inserting “and the Commonwealth*
8 *of the Northern Mariana Islands”;*

9 *(2) by striking paragraph (6) and inserting the*
10 *following:*

11 *“(6) LOCAL GOVERNMENT.—The term ‘local gov-*
12 *ernment’ means—*

13 *“(A) a county, municipality, city, town,*
14 *township, local public authority, school district,*
15 *special district, intrastate district, council of*
16 *governments (regardless of whether the council of*
17 *governments is incorporated as a nonprofit cor-*
18 *poration under State law), regional or interstate*
19 *government entity, or agency or instrumentality*
20 *of a local government;*

21 *“(B) an Indian tribe or authorized tribal*
22 *organization, or Alaska Native village or organi-*
23 *zation; and*

24 *“(C) a rural community, unincorporated*
25 *town or village, or other public entity, for which*

1 *an application for assistance is made by a State*
 2 *or political subdivision of a State.”; and*
 3 *(3) in paragraph (9), by inserting “irrigation,”*
 4 *after “utility,”.*

5 **SEC. 303. FIRE MANAGEMENT ASSISTANCE.**

6 *(a) IN GENERAL.—Section 420 of the Robert T. Staf-*
 7 *ford Disaster Relief and Emergency Assistance Act (42*
 8 *U.S.C. 5187) is amended to read as follows:*

9 **“SEC. 420. FIRE MANAGEMENT ASSISTANCE.**

10 *“(a) IN GENERAL.—The President is authorized to*
 11 *provide assistance, including grants, equipment, supplies,*
 12 *and personnel, to any State or local government for the*
 13 *mitigation, management, and control of any fire on public*
 14 *or private forest land or grassland that threatens such de-*
 15 *struction as would constitute a major disaster.*

16 *“(b) COORDINATION WITH STATE AND TRIBAL DE-*
 17 *PARTMENTS OF FORESTRY.—In providing assistance under*
 18 *this section, the President shall coordinate with State and*
 19 *tribal departments of forestry.*

20 *“(c) ESSENTIAL ASSISTANCE.—In providing assist-*
 21 *ance under this section, the President may use the authority*
 22 *provided under section 403.*

23 *“(d) RULES AND REGULATIONS.—The President shall*
 24 *prescribe such rules and regulations as are necessary to*
 25 *carry out this section.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 2 *section (a) takes effect 1 year after the date of enactment*
 3 *of this Act.*

4 **SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.**

5 *Title VII of the Robert T. Stafford Disaster Relief and*
 6 *Emergency Assistance Act (42 U.S.C. 5101 et seq.) is*
 7 *amended by adding at the end the following:*

8 **“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.**

9 “(a) *STATUTE OF LIMITATIONS.*—

10 “(1) *IN GENERAL.*—*Except as provided in para-*
 11 *graph (2), no administrative action to recover any*
 12 *payment made to a State or local government for dis-*
 13 *aster or emergency assistance under this Act shall be*
 14 *initiated in any forum after the date that is 3 years*
 15 *after the date of transmission of the final expenditure*
 16 *report for the disaster or emergency.*

17 “(2) *FRAUD EXCEPTION.*—*The limitation under*
 18 *paragraph (1) shall apply unless there is evidence of*
 19 *civil or criminal fraud.*

20 “(b) *REBUTTAL OF PRESUMPTION OF RECORD MAIN-*
 21 *TENANCE.*—

22 “(1) *IN GENERAL.*—*In any dispute arising*
 23 *under this section after the date that is 3 years after*
 24 *the date of transmission of the final expenditure re-*
 25 *port for the disaster or emergency, there shall be a*

1 *presumption that accounting records were maintained*
2 *that adequately identify the source and application of*
3 *funds provided for financially assisted activities.*

4 “(2) *AFFIRMATIVE EVIDENCE.*—*The presumption*
5 *described in paragraph (1) may be rebutted only on*
6 *production of affirmative evidence that the State or*
7 *local government did not maintain documentation de-*
8 *scribed in that paragraph.*

9 “(3) *INABILITY TO PRODUCE DOCUMENTATION.*—
10 *The inability of the Federal, State, or local govern-*
11 *ment to produce source documentation supporting ex-*
12 *penditure reports later than 3 years after the date of*
13 *transmission of the final expenditure report shall not*
14 *constitute evidence to rebut the presumption described*
15 *in paragraph (1).*

16 “(4) *RIGHT OF ACCESS.*—*The period during*
17 *which the Federal, State, or local government has the*
18 *right to access source documentation shall not be lim-*
19 *ited to the required 3-year retention period referred to*
20 *in paragraph (3), but shall last as long as the records*
21 *are maintained.*

22 “(c) *BINDING NATURE OF GRANT REQUIREMENTS.*—
23 *A State or local government shall not be liable for reim-*
24 *bursement or any other penalty for any payment made*
25 *under this Act if—*

1 “(1) the payment was authorized by an ap-
2 proved agreement specifying the costs;

3 “(2) the costs were reasonable; and

4 “(3) the purpose of the grant was accom-
5 plished.”.

6 **SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN**
7 **FEDERAL AND STATE EMPLOYEES.**

8 (a) *IN GENERAL.*—Section 1204 of the Omnibus Crime
9 *Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)*
10 *is amended by striking paragraph (7) and inserting the fol-*
11 *lowing:*

12 “(7) ‘public safety officer’ means—

13 “(A) an individual serving a public agency
14 in an official capacity, with or without com-
15 pensation, as a law enforcement officer, as a fire-
16 fighter, or as a member of a rescue squad or am-
17 bulance crew;

18 “(B) an employee of the Federal Emergency
19 Management Agency who is performing official
20 duties of the Agency in an area, if those official
21 duties—

22 “(i) are related to a major disaster or
23 emergency that has been, or is later, de-
24 clared to exist with respect to the area
25 under the Robert T. Stafford Disaster Relief

1 *and Emergency Assistance Act (42 U.S.C.*
 2 *5121 et seq.); and*

3 *“(ii) are determined by the Director of*
 4 *the Federal Emergency Management Agency*
 5 *to be hazardous duties; or*

6 *“(C) an employee of a State, local, or tribal*
 7 *emergency management or civil defense agency*
 8 *who is performing official duties in cooperation*
 9 *with the Federal Emergency Management Agen-*
 10 *cy in an area, if those official duties—*

11 *“(i) are related to a major disaster or*
 12 *emergency that has been, or is later, de-*
 13 *clared to exist with respect to the area*
 14 *under the Robert T. Stafford Disaster Relief*
 15 *and Emergency Assistance Act (42 U.S.C.*
 16 *5121 et seq.); and*

17 *“(ii) are determined by the head of the*
 18 *agency to be hazardous duties.”.*

19 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 20 *section (a) applies only to employees described in subpara-*
 21 *graphs (B) and (C) of section 1204(7) of the Omnibus*
 22 *Crime Control and Safe Streets Act of 1968 (as amended*
 23 *by subsection (a)) who are injured or who die in the line*
 24 *of duty on or after the date of enactment of this Act.*

1 **SEC. 306. BUY AMERICAN.**

2 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
3 funds authorized to be appropriated under this Act or any
4 amendment made by this Act may be expended by an entity
5 unless the entity, in expending the funds, complies with the
6 Buy American Act (41 U.S.C. 10a et seq.).

7 (b) DEBARMENT OF PERSONS CONVICTED OF FRAUDU-
8 LENT USE OF “MADE IN AMERICA” LABELS.—

9 (1) IN GENERAL.—If the Director of the Federal
10 Emergency Management Agency determines that a
11 person has been convicted of intentionally affixing a
12 label bearing a “Made in America” inscription to
13 any product sold in or shipped to the United States
14 that is not made in America, the Director shall deter-
15 mine, not later than 90 days after determining that
16 the person has been so convicted, whether the person
17 should be debarred from contracting under the Robert
18 T. Stafford Disaster Relief and Emergency Assistance
19 Act (42 U.S.C. 5121 et seq.).

20 (2) DEFINITION OF DEBAR.—In this subsection,
21 the term “debar” has the meaning given the term in
22 section 2393(c) of title 10, United States Code.

23 **SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.**

24 (a) IN GENERAL.—Notwithstanding the National
25 Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the
26 Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et

1 *seq.), or any other provision of law, or any flood risk zone*
 2 *identified, delineated, or established under any such law (by*
 3 *flood insurance rate map or otherwise), the real property*
 4 *described in subsection (b) shall not be considered to be, or*
 5 *to have been, located in any area having special flood haz-*
 6 *ards (including any floodway or floodplain).*

7 **(b) REAL PROPERTY.**—*The real property described in*
 8 *this subsection is all land and improvements on the land*
 9 *located in the Maple Terrace Subdivisions in the city of*
 10 *Sycamore, DeKalb County, Illinois, including—*

- 11 (1) *Maple Terrace Phase I;*
- 12 (2) *Maple Terrace Phase II;*
- 13 (3) *Maple Terrace Phase III Unit 1;*
- 14 (4) *Maple Terrace Phase III Unit 2;*
- 15 (5) *Maple Terrace Phase III Unit 3;*
- 16 (6) *Maple Terrace Phase IV Unit 1;*
- 17 (7) *Maple Terrace Phase IV Unit 2; and*
- 18 (8) *Maple Terrace Phase IV Unit 3.*

19 **(c) REVISION OF FLOOD INSURANCE RATE LOT**
 20 **MAPS.**—*As soon as practicable after the date of enactment*
 21 *of this Act, the Director of the Federal Emergency Manage-*
 22 *ment Agency shall revise the appropriate flood insurance*
 23 *rate lot maps of the agency to reflect the treatment under*
 24 *subsection (a) of the real property described in subsection*
 25 *(b).*

1 **SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN**
2 **EMERGENCY MANAGEMENT.**

3 (a) *DEFINITION OF INDIAN TRIBE.*—In this section,
4 the term “Indian tribe” has the meaning given the term
5 in section 4 of the Indian Self-Determination and Edu-
6 cation Assistance Act (25 U.S.C. 450b).

7 (b) *STUDY.*—

8 (1) *IN GENERAL.*—The Director of the Federal
9 Emergency Management Agency shall conduct a
10 study of participation by Indian tribes in emergency
11 management.

12 (2) *REQUIRED ELEMENTS.*—The study shall—

13 (A) survey participation by Indian tribes
14 in training, predisaster and postdisaster mitiga-
15 tion, disaster preparedness, and disaster recovery
16 programs at the Federal and State levels; and

17 (B) review and assess the capacity of In-
18 dian tribes to participate in cost-shared emer-
19 gency management programs and to participate
20 in the management of the programs.

21 (3) *CONSULTATION.*—In conducting the study,
22 the Director shall consult with Indian tribes.

23 (c) *REPORT.*—Not later than 1 year after the date of
24 enactment of this Act, the Director shall submit a report
25 on the study under subsection (b) to—

1 (1) *the Committee on Environment and Public*
2 *Works of the Senate;*

3 (2) *the Committee on Transportation and Infra-*
4 *structure of the House of Representatives;*

5 (3) *the Committee on Appropriations of the Sen-*
6 *ate; and*

7 (4) *the Committee on Appropriations of the*
8 *House of Representatives.*

Attest:

Secretary.

106TH CONGRESS
2^D SESSION

H. R. 707

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE AMENDMENT

HR 707 ES2—2

HR 707 ES2—3

HR 707 ES2—4

HR 707 ES2—5